

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 IO-13 DHA-05 TRSE-00 OMB-01 CIAE-00
PM-05 H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01
PRS-01 SP-02 SS-15 USIA-06 /078 W
-----104097 022206Z /75

R 021352Z NOV 77
FM AMEMBASSY PARIS
TO SECSTATE WASHDC 1103
INFO AMEMBASSY ANKARA
USMISSION USUN
AMEMBASSY ATHENS
AMEMBASSY BERN
AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY COPENHAGEN
AMEMBASSY DUBLIN
AMCONSUL ISTANBUL
AMEMBASSY THE HAGUE
AMEMBASSY LISBON
AMEMBASSY LONDON
AMEMBASSY LUXEMBOURG
USMISSION USNATO
AMEMBASSY NICOSIA
AMEMBASSY OSLO
AMEMBASSY REYKJAVIK
AMEMBASSY ROME
AMEMBASSY STOCKHOLM
AMEMBASSY VALLETTA
AMEMBASSY VIENNA
DIA WASHDC
USCINCEUR
USDOCOSOUTH NAPES
USNMR SHAPE

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BRUSSELS FOR USEEC
USCINCEUR FOR POLAD
USDOCOSOUTH FOR POLAD

FOLLOWING MESSAGE SENT PARIS DATED 27 OCT 1977 FROM
STRASBOURG RPTD FOR YOUR ACTION/INFO:

QUOTE:

STRASBOURG 236

E.O. 11652: GDS

TAGS: COE, SHUM, CY, TU

SUBJECT: COUNCIL OF EUROPE DECISION ON CYPRUS HUMAN
RIGHTS VIOLATIONS COMPLAINTS AGAINST TURKEY

REF: (A) PARIS 27212 (NOTAL), (B) PARIS 27562 (NOTAL),
(C) NICOSIA 2767

1. SUMMARY: COUNCIL OF EUROPE COMMITTEE OF MINISTERS (PERMREPS) ON OCTOBER 21 REACHED A "DECISION" (WHICH WILL NOT BE PUBLISHED) ON CYPRUS HUMAN RIGHTS VIOLATIONS COMPLAINTS, NOTING THAT VIOLATIONS HAD OCCURRED BUT NOT NAMING ANY GUILTY COUNTRY OR COUNTRIES. COMMITTEE RESERVED RIGHT TO TAKE UP MATTER AGAIN IN NINE MONTHS IF "THE SITUATION REQUIRES." DECISION REPRESENTS SOLOMON-LIKE ATTEMPT TO FINESSE THE LEGAL AND POLITICAL DILEMMA POSED BY (1) EUROPEAN COMMISSION OF HUMAN RIGHTS HAVING FOUND TURKEY GUILTY OF VIOLATIONS, AND (2) TURKISH SENSITIVITIES/THREATS SHOULD THEY BE LABELLED GUILTY BY COUNCIL OF EUROPE. COUNCIL MAJORITY HOPES THEIR TEMPORIZING ACTION WILL HELP CHANCES FOR CYPRUS POLITICAL SOLUTION AND CONSIDERS THAT TURKEY HAS BEEN GIVEN A WARNING, HOWEVER LOW-KEY. END SUMMARY.
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2. THE TEXT OF THE CONFIDENTIAL "DECISION" TAKEN BY THE COMMITTEE OF MINISTERS PERMREPS ON OCTOBER 21 IS AS FOLLOWS. BEGIN TEXT:

THE COMMITTEE OF MINISTERS HAS EXAMINED APPLICATIONS NUMBER 6780/74 AND 6950/75 FILED BY THE REPUBLIC OF CYPRUS AFTER THE EVENTS OF 1974.

IT HAS LIKEWISE TAKEN INTO CONSIDERATION THE COMMISSION'S REPORT AS WELL AS THE MEMORIAL OF THE REPUBLIC OF TURKEY ON THE QUESTION OF HUMAN RIGHTS IN CYPRUS.

THE COMMITTEE FINDS THAT CERTAIN EVENTS WHICH OCCURRED IN CYPRUS CONSTITUTE VIOLATIONS OF THE EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS. CONSEQUENTLY, IT ASKS THAT MEASURES BE TAKEN IN ORDER TO PUT AN END TO SUCH VIOLATIONS AS MIGHT CONTINUE TO OCCUR AND SO THAT SUCH EVENTS ARE NOT REPEATED.

IN THIS RESPECT, THE COMMITTEE OF MINISTERS CON-

SIDERS THAT THE ENDURING PROTECTION OF HUMAN RIGHTS IN CYPRUS CALLS FOR THE RE-ESTABLISHMENT OF PEACE AND CONFIDENCE BETWEEN THE TWO COMMUNITIES ON THE ISLAND. IT THEREFORE STRONGLY URGES THE PARTIES TO RESUME INTERCOMMUNAL TALKS WITH THE MINIMUM OF DELAY.

IF IN 9 MONTHS TIME THE SITUATION SO REQUIRES, THE COMMITTEE RESERVES THE RIGHT TO PLACE THIS MATTER AGAIN ON ITS AGENDA, IN ACCORDANCE WITH THE PROVISIONS OF ART. 32 OF THE CONVENTION.

END TEXT.

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3. OF THE 19 MEMBERS, MALTA WAS NOT PRESENT; TURKEY AND CYPRUS VOTED AGAINST; THE UK ABSTAINED; GREECE PROTESTED VEHEMENTLY AND REFUSED TO PARTICIPATE IN THE VOTE; THE REST, 14 COUNTRIES, SUPPORTED THE BASICALLY EC-NINE ORDAINED TEXT, WITH FRANCE AND THE FRG ACTING AS FLOOR MANAGERS.

4. THE ACTION REPRESENTS A PRAGMATIC, TEMPORIZING ATTEMPT TO FINESSE THE BASIC LEGAL (READ HUMAN RIGHTS RECORD OF THE COUNCIL) AND POLITICAL (READ TURKEY) DILEMMA POSED BY THE NECESSITY TO DO SOMETHING WITH THE HUMAN RIGHTS COMMISSION'S REPORT CITING VIOLATIONS BY TURKEY. THE MAJORITY SAW THE DILEMMA AS A SPECIAL CASE REQUIRING A SPECIAL VERDICT AND REFUSED TO FOLLOW THE LETTER OF ARTICLE 32 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS IN SO FAR AS NAMING A GUILTY PARTY OR PRESCRIBING SANCTIONS CONCERNED. AT ONE POINT IN THE PROCEEDINGS THE CHIEF OF THE HUMAN RIGHTS DIRECTORATE WAS CALLED IN AND PRONOUNCED THE COURSE OF ACTION TAKEN AS NOT BEING IN CONTRAVENTION OF THE CONVENTION.

5. AS ADDRESSEES CAN WELL IMAGINE, THERE EXIST HERE SOME CONFLICTING INTERPRETATIONS OF THE MORE GENERAL POINTS IN THE DECISION TEXT. ON THE QUESTION OF POSSIBLE FOLLOW-UP IN NINE MONTHS TIME, HOWEVER, I FIND NO DISAGREEMENT, IE, ANY COUNCIL MEMBER CAN REQUEST THE ITEM BE PUT ON THE PERMREPS' AGENDA AT THAT TIME, ALTHOUGH AS THE DEPUTY TURKISH PERMREP NOTED THE EC-NINE WOULD ONCE AGAIN HOLD THE KEY. IT IS AN UNDERSTATEMENT TO SAY THAT THE GREAT MAJORITY OF MEMBERS HOPES PROGRESS TOWARDS A POLITICAL

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SOLUTION IN CYPRUS WILL KEEP THIS HOT POTATO OFF THE PLATE.

6. MEANWHILE, THE EUROPEAN COMMISSION OF HUMAN RIGHTS
WILL MOST LIKELY DEVOTE MAJOR ATTENTION TO THE THIRD
CYPRIOT HUMAN RIGHTS COMPLAINT AGAINST TURKEY, THAT
LODGED ON SEPTEMBER 6, AT ITS DECEMBER SESSION IN
STRASBOURG.

KURZE UNQUOTE
HARTMAN

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Message Attributes

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